

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

HENRY CATO, JR., #2214123, §
Plaintiff, §
§
v. § Case No. 6:23-cv-448-JDK-JDL
§
O. PEDRO, et al., §
§
Defendants. §
§

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Henry Cato, a prisoner of the Texas Department of Criminal Justice proceeding pro se and *in forma pauperis*, filed this lawsuit pursuant to 42 U.S.C. § 1983. Docket No. 1. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition of the action. Following the Court's dismissal of all other claims and Defendants, Docket No. 22, the sole remaining Defendant is Olayinka Pedro, who filed a motion for summary judgment now before the Court. Docket No. 36.

On January 10, 2025, Judge Love issued a Report recommending that Defendant's motion for summary judgment be granted as to claims against him in his official capacity and denied in all other respects. Docket No. 37. Neither party filed written objections, and the time to do so has passed.

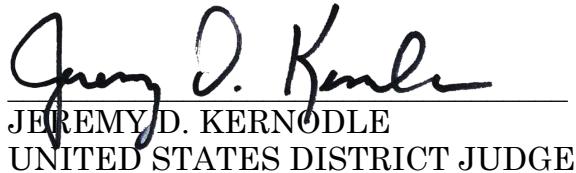
This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and

Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, neither party filed any objections. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 37) as the findings of this Court. It is therefore **ORDERED** that Defendant Pedro's motion for summary judgment (Docket No. 36) is **GRANTED IN PART** in that all claims against him in his official capacity are dismissed with prejudice, and the motion is **DENIED** in all other respects.

So **ORDERED** and **SIGNED** this 21st day of February, 2025.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE